

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

WILLIAM ECKART, ECHART  
TRUCKING, INC., a Montana  
corporation,

Plaintiffs,

vs.

MILES CITY, MONTANA,

Defendant.

CV 21-66-BLG-SPW-TJC

**ORDER**

On August 20, 2021, Defendant filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6.) (Doc. 4.) Subsequently, on September 8, 2021, Plaintiffs filed an Amended Complaint (Doc. 7), which moots Defendant's motion. *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015). Accordingly, Defendant's Motion to Dismiss (Doc. 4) is **DENIED as moot**.

DATED this 9th day of September, 2021.

  
\_\_\_\_\_  
TIMOTHY J. CAVAN  
United States Magistrate Judge